

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.201 OF 2005
CONNECTED WITH
COMPANY PETITION NO.107 OF 2005

In the matter of the
Companies Act, 1 of 1956

Adish Chakrabarty & Ors. .. Petitioners

Vs.

Petron Investments P.Ltd. & Ors. .. Respondents

Ms.Sarita D'lima for the applicant/petitioners

Mr.D.J.Khambatta i/b Federal & Rashmikant for the
respondents

CORAM : S.U.KAMDAR, J
DATED : 15TH APRIL 2005

P.C.:

1. The present application is taken out for amendment of the petition in terms of draft amendments as set out in Schedule annexed to this application. The present petition is filed for winding up of the respondent company on just and equitable ground. The learned counsel for the respondents contends that the application for amendment should not be granted firstly, on the ground that the petitioners having made a false statement in paragraph 7(e) of the petition, it is not open for them to delete the same. I do not find any substance in the aforesaid contention. If

the statement made is false then that is all the more reasons that the petitioner should delete such a false statement. Merely, by deleting the statement the petitioners conduct of filing a petition by relying upon false statement does not change. Thus, though the amendment is allowed but the contention of the petitioner that the petition should be dismissed as a whole because of such false statement made by the petitioner and that such conduct on the part of the petitioner does not entitle the petitioner to any relief from this court, particularly on the ground of just and equitable is kept open to be heard and decided at the time of the petition.

2. The second contention raised by the learned counsel for the respondent company is that by adding the new ground the petitioner is seeking to alter the whole case. I do not find any substance in the aforesaid contention. Petition for winding up of a company can be on various grounds which can be either set out in the petition and/or can be added by an amendment. The law does not prohibit a party from adding any of the additional ground in

supoprt of the relief already sought in the petition. In view thereof, amendment is allowed. Amendment to be carried out within 2 weeks. Matter to be kept on 21.4.2005.